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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3730 OF 2007

Pramod Rama Thombre & Ors. .. petitioners

V/s

State of Maharashtra .. Respondents

Mr.A.N. Giri for the petitioners.

Mr.U.V. Nikam, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 28TH NOVEMBER 2007

P.C. :

1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. This application under section 439 of the Cr.P.C. is made for release of the petitioners pending trial. An offence has been registered against the petitioners under C.R. No.209/2007 with the Kurla Railway Police Station punishable under section 307 read with 34 of the I.P.C. and section 3(1) and 25 of the Arms Act.

3. The prosecution case in short is that the petitioner no.2 along with his accomplices assaulted the complainant Salim Nuruddin Shaikh by knives at Kurla Railway Station. The complainant tried to run away. The petitioners followed him. One of the petitioners caught hold of the complainant and the petitioner no.2 again gave quick blows of knife causing 15 injuries to the complainant. The incident took place on 10th October 2007.

4. Learned A.P.P. submits that the investigation is still in progress. Charge-sheet is not yet filed. Chemical Analyser's report regarding blood on the spot, the knives and the clothes is still awaited.

5. The offence is of serious nature. Offenders have been named by the complainant who knew them earlier. Learned A.P.P. submits that if the bail is granted at this stage, the petitioners are likely to threaten the prosecution witnesses and intermeddle with the investigation. Since the investigation is in progress and the petitioners are named by the complainant and there is prima facie material to connect the petitioners with the crime, it would not be appropriate to grant bail to the petitioners pending investigation. The learned Sessions Judge by the reasoned order dated 29/30th October 2007 has also

rejected the bail application. I see no reason to take a different view than the view taken by the learned Sessions Judge. In the circumstances, the application for bail is rejected.

6. It is clarified that the petitioners are at liberty to file a fresh application after the investigation is completed and charge-sheet is filed. If such application is filed, the learned Sessions Judge will decide the said application on its own merits.

(D.G. KARNIK, J.)